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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,368	04/19/2001	Rabindranath Dutta	AUS920010016US1	9247

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EXAMINER	
REFAI, RAMSEY	

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/838,368	DUTTA ET AL.	
	Examiner	Art Unit	
	Ramsey Refai	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 November 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This action is responsive to Amendment filed on November 16, 2004. Claims 1, 14, 18, 27, and 36 have been amended. Claims 1-39 are pending examination.

Specification

1. The proposed specification corrections received on November 16, 2004 have been accepted.

2. Claims 17, 26, and 39 are objected to because of the following informalities:

A series of singular dependent claims is permissible in which a dependent claim refers to a preceding claim which, in turn, refers to another preceding claim.

A claim, which depends from a dependent claim, should not be separated by any claim, which does not also depend from said dependent claim. It should be kept in mind that a dependent claim may refer to any preceding independent claim. In general, applicant's sequence will not be changed. See MPEP § 608.01(n).

Appropriate correction is required.

Response to Arguments

3. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-8, 14-17, 25, 27-30, and 36-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Lazaridis et al (U.S. Patent No. 6,401,113).

6. As per claim 1, Lazaridis et al teach a method for backing up data, the method comprising:

establishing at a server a connection with a wireless device over a wireless network using a wireless protocol **(column 1, lines 22-25 and 30-43)**;

pushing, over the wireless network to the wireless device, a request to backup data receiving the data from the wireless device **(column 7, lines 31-34 and column 4, lines 45-46)**; and

storing the data on, a storage device eel coupled to the wireless network **(column 3, lines 12-13)**.

7. As per claim 2, Lazaridis et al teach a connection is established in response to receipt of an indication that the wireless device has been powered on **(column 11, lines 35-64 and column 7, lines 15-34)**.

8. As per claim 3, Lazaridis et al teach a connection is established periodically **(column 2, lines 7-9)**.

9. As per claim 4, Lazaridis et al teach a connection is established in response to receipt of a request to backup data from the wireless device **(column 3, lines 22-24 and column 7, lines 15-36)**.

10. As per claim 5, Lazaridis et al teach sending a textual based service load to a proxy server, wherein the proxy server is configured to translate textual based service loads to binary based service loads and send the translated service load to the wireless device **(column 6, lines 9-17 and Figure 1, element 20; a wireless gateway that forms a bridge between the WAN and a wireless network. This must inherently convert textual based loads to binary service loads in order to send data from a wireline to a wireless network)**.

11. As per claim 6, Lazaridis et al teach a service load provides a uniform resource identifier for an application that the wireless may retrieve to transmit the data to the server **(column 4, line 40-45)**.

12. As per claim 7, Lazaridis et al teach the data includes at least one of phone lists, calendars, address lists and note **(column 3, lines 14-18)**.

13. As per claim 8, Lazaridis et al teach a connection between the server and the wireless device uses unused extra bandwidth **(column 1, lines 25-30)**.

14. As per claim 14-17, 25, 27-30, and 36, these claims contain similar limitations as claims 1-6 above, therefore are rejected under the same rationale.

15. As per claim 37, Lazaridis et al teach a wireless device is a wireless phone **(column 6, lines 38-44)**.

16. As per claim 38, Lazaridis et al teach a wireless device is a personal digital assistant **(column 6, lines 38-44)**.

17. As per claim 39, Lazaridis et al teach a receiver wherein the receiver receives a request for backed up data from the wireless client and further comprising: a retrieval unit which retrieves the backed up data corresponding to the wireless client; and a transmitter which transmits the backed up data to the wireless client **(column 4, lines 26-56)**.

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

19. Claims 9-13, 18-23, 24, 26, and 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazaridis et al (U.S. Patent No. 6,401,113) in view of Zarom (U.S. Patent No. 6,356,529)

20. As per claim 9, Lazaridis et al teach a method on a proxy server for facilitating data backup, the method comprising:

receiving a request from a backup server for a wireless client to backup data to the backup server **(column 7, lines 31-34, column 4, lines 45-56 and column 4, lines 46-56)**;

sending the request to the wireless client over a wireless network **(column 7, lines 31-34, column 4, lines 45-56 and column 4, lines 46-56)**;

receiving over the wireless network the data from the wireless client **(column 4, lines 46-56)**; and

sending the data to the backup server **(column 4, lines 46-56)**.

21. Though Lazaridis et al teaches a wireless gateway server that bridges between a wireline network and a wireless network and inherently converts data into suitable formats for respective networks **(column 6, lines 9-17 and Figure 1, element 20)**, Lazaridis et al does not explicitly teach that data sent from a server in a first protocol is converted into a second protocol

compatible with a wireless device and data from a wireless device is converted from a third protocol into a fourth protocol compatible with the server.

22. However, Zarom teaches a translation system that includes a proxy server connected to a wireless device and a server, which converts WAP protocol instructions to HTTP and TCP/IP protocol instructions. The same process is followed in reverse when the original server converts the requested content into WAP-compatible format **(Figure 1 and column 2, lines 2-20).** It would have been obvious to combine the teachings of Lazaridis et al and Zarom because Zarom's use of a proxy server that converts data from a wireless protocol into HTTP instructions and vice versa in Lazaridis et al would allow for a wireless device to communicate with a server using a proxy server that converts data from a wireless protocol into an HTTP protocol, thereby allowing the ability to back-up data on a wireless device onto storage located at a remote server.

23. As per claim 10, Lazaridis et al teach the request is a textual based service load .providing the client with a uniform resource identifier for an application which will identify, locate, and transmit the requested data to the backup server **(column 4, lines 40-45 and column 6, lines 9-17).**

24. As per claim 11, Lazaridis et al teach a translated request is a binary-based service load **(column 4, lines 46-56).**

25. As per claim 12, Lazaridis et al fail to teach a third protocol is a wireless application protocol.

26. However, However, Zarom teaches the use of a WAP protocol **(column 1, lines 25-35).** It would have been obvious to combine the teachings of Lazaridis et al and Zarom because Zarom's use of a proxy server that converts data from a wireless protocol into HTTP instructions and vice versa in Lazaridis et al would allow for a wireless device to communicate with a server using a proxy server that converts data from a wireless protocol into an HTTP protocol, thereby allowing the ability to back-up data on a wireless device onto storage located at a remote server.

27. As per claim 13, Lazaridis et al teach a fourth protocol is a hypertext transfer protocol **(column 6, lines 1-13)**.

28. As per claims 18, 24, these claims contain similar limitations as claim 9 above, therefore is rejected under the same rationale.

29. As per claim 19, Lazaridis et al teach the connection is established in response to receipt of an indication that the wireless device has been powered on **(column 11, lines 35-64 and column 7, lines 15-34)**.

30. As per claim 20, Lazaridis et al teach instructions for establishing the connection periodically **(column 2, lines 7-9).**

31. As per claim 21, Lazaridis et al teach the connection is established in response to a request to backup data received from the wireless device **(column 3, lines 22-24 and column 7, lines 15-36).**

32. As per claim 22, Lazaridis et al teach instructions enabling the transmission of a textual based service load to a proxy server, wherein the proxy server is configured to translate textual based service loads to binary based service loads and send the translated service load to the wireless device **(column 6, lines 9-17 and Figure 1, element 20; a wireless gateway that forms a bridge between the WAN and a wireless network. This must inherently convert textual based loads to binary service loads in order to send data from a wireline to a wireless network).**

33. As per claim 23, Lazaridis et al teach a service load provides a uniform resource identifier for an application that the wireless device may retrieve to transmit the data to the server **(column 4, lines 40-45)**.

34. As per claim 26, Lazaridis et al teach a fifth instructions for enabling the receipt of a request for backed up data from a the wireless client **(column 3, lines 22-24 and column 7, lines 15-36)** sixth instructions for retrieving the backed up data corresponding to the wireless client **(column 4, lines 45-56 and column 7, lines 45-56)**; and seventh instructions for enabling the transmission of the backed up data to the wireless client via the wireless network **(column 4, lines 45-56 and column 7, lines 45-56)**.

35. As per claim 31-35, these claims have similar limitations as claim 9-13 above, therefore are rejected under the same rationale.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

a. Hawkins et al (U.S. Patent No. 6,000,000); **teaches the use of a wake-up packet in a wireless network**

b. Mousseau et al (U.S. Publication No. 2001/0009015)

c. Chase, Jr. (U.S. Patent No. 5,974,238)

d. Connery et al (U.S. Patent No. 6,311,276)

e. Leppinen (U.S. Patent No. 6,735,186)

f. Lindgren (U.S. Patent No. 6,163,274)

g. Dean et al (U.S. Patent No. 6,167,379)

h. Macko (U.S. Patent No. 6,052,563)

i. Kaufman (U.S. Patent No. 6,034,621)

j. Daly et al (U.S. Patent No. 6,807,168)

k. Blankenship et al (U.S. Patent No. 6,738,614)

l. Teeple et al (U.S. Publication No. 2002/0120779).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ramsey Refai
Examiner
Art Unit 2154

RR
March 5, 2005

JOHN FOLLANSBEE
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